

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DIVISION OF MARYLAND**

PULTE HOME CORPORATION, *et al.*

Plaintiffs

v.

MONTGOMERY COUNTY, MD, *et al.*

Defendants

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Case No. 8:14-cv-03955-GJH

**DEFENDANT, MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION’S, MOTION FOR PROTECTIVE ORDER**

NOW COMES, Defendant, Maryland-National Capital Park and Planning Commission (“Commission”), by and through undersigned counsel, pursuant to Fed. R. Civ. P. 26(c), and submits this Motion for Protective Order and in support thereof, states as follows:

1. The parties are currently engaged in the process of establishing parameters for the breadth and scope of Electronically Stored Information (“ESI”).

2. Plaintiffs have yet to serve the Commission with their discovery requests; however, teleconferences and email communications between the Plaintiffs, Montgomery County, Maryland (“County”), and the Commission (collectively “the Parties”) indicate that Plaintiffs intend to seek information that the Commission believes to be shielded by legislative privilege.

3. In response to the Parties’ inability to resolve the issue of privilege, this Court ordered the County to submit a Motion for Protective Order no later than May 6, 2016. (ECF No. 67).

4. Thus, in the interest of judicial efficiency, the Commission hereby submits this instant Motion and supporting Memorandum of Law for consideration to resolve closely related issues of privilege as it pertains to the Commission.

WHEREFORE, the Commission respectfully requests that this Court issue a protective order (1) holding that Planning Board members and Planning Staff qualify for legislative privilege, and are shielded from discovery in relation to the legislative activities discussed herein, and (2) requiring Plaintiffs to formulate its discovery requests to the Commission in a manner that does not call for production of documents related to the Planning Board's or Planning Staff's performance of the legislative functions discussed herein.

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Respectfully submitted,

**Adrian Robert Gardner, General Counsel
The Maryland-National Capital Park and
Planning Commission**

Date: May 6, 2016

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